

Precious Memories:***Rule of Law in Deuteronomy as Catalyst and Contradiction of Domestic Violence***

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Committed to justice and integrity, disrespect and doing harm to others bothers me. Most days, headlines explore sexual impropriety, economic downturns, religious and governmental terrorism, and domestic violence. Domestic violence is abuse, which includes mistreatment, misuse, or exploitation of spouse, children, or intimate partner. Such violence involves patterns of abusive behaviors by one or both partners in intimate relationships including dating, marriage, family, friends, or cohabitation. Domestic violence received labeling and public recognition a little over three decades in the United States. Previously, law enforcement considered domestic violence a private matter. Most of society told women to obey their husbands; if husbands beat them or their children, victims were at fault. Some religious traditions and their scriptures seem to sanction domestic violence by viewing women as property and/or being required to submit to their husbands, regardless.

For years, no one spoke about domestic and sexual violence. The usual practice, even in the eyes of law enforcement was that such business is private and we cannot interfere. Some of that has changed now that there are laws dealing with domestic and sexual violence. In the United States, federal and state law requires that institutions have a sexual harassment and hostile work environment policy. Unfortunately, too often the church and the academy are quite slow to act on such behavior. Since we continue to follow the aegis of “boys will be boys,” married preachers, priests, and male church leaders can sleep with numerous persons outside their legal and covenantal commitment and still is Rev. Dr. or Mr. on Sunday morning. Too often, professors and coaches commit sexual assault or violence or create hostile environments for their colleagues and students and often do not receive any kind of reprimand. While most

perpetrators of domestic and sexual violence are men, we recognize that there are times when women also engage in domestic and sexual violence. Is this something new, or has it been around for a while?

Much of what undergirds sexual and domestic violence has roots in ancient philosophy, Christian theology, Greco-Roman praxis, and the ambiguity of the Bible. Many philosophers have argued that women are incomplete or inferior men. Many theologians have blamed women, by virtue of blaming Eve for the evil in the world. In ancient biblical texts, women were property of their fathers or their husbands. Further, her only import was most often to marry the right man, to bear the right son, so that that son could inherit the land promised by God to Abram in Genesis 12:1-3. God promised Abram to make his name great, which means that God would have covenantal relations with Abrams' people in perpetuity; second, to give him a son, and third, to give him land. Further, the Hebrew Bible contains texts where kings and commoners rape, decapitate, and dismember women, sometimes p as sacrificial offerings.

Contemporaneously, not a month goes by wherein we do not hear reports of domestic and sexual abuse of children by clergy and teachers, molestation of children by parents, date rape, domestic homicide, and sex trafficking across the globe. About six years ago, a social worker from the North Carolina Coalition Against Domestic Violence approached me, requesting that I do training for clergy and social workers together, to help them find a common language about a deadly common problem. Just what is going on?

Using film and opera dialogically, my essay explores selected texts from Deuteronomy as catalysts that precipitate or critique domestic violence from a womanist perspective. After briefly reflecting on my analytical, contextual lens, the essay follows with: (1) providing contextual information about domestic violence; (2) examining statistics about domestic violence;

(3) exegeting Deuteronomistic laws/scenarios supportive of domestic violence: marrying a captive woman; rebellious son (Dt. 21); marriage violations and rape (Dt. 22); and those laws antithetical to domestic violence: Ten Commandments (Dt 5); women's wellbeing and human dignity (Dt. 15; 21; 24); (4) exploring characteristics of domestic violence in film: *Burning Bed*; *Woman Thou Art Loose*; and *Precious*; and contemporary opera, Aeschylus' *Agamemnon*, by composer Andrew Earle Simpson and librettist Sarah Brown Ferrario; and, (4) placing scripture, film, and opera in dialogue toward justice around domestic violence.

Contextual Lens: Womanist interdisciplinary praxis and biblical exegesis

Womanist spirituality “is a vital, expressive, revolutionary, embodied, personal and communal resistance-based way of life and theoretical discourse, based upon the rich lived, yet oppressive, experience of women descended from the African Diaspora, who as social beings in relationship with the divine, celebrate life and expose injustice and malaise.”¹ *Womanist* theory is interdisciplinary and examines experience present in living, written, oral, visual, aural, sensual, and artistic texts to create its epistemology, hermeneutics, and philosophy. This involves ongoing intellectual, spiritual dialogue to prepare individuals to experience their own reality in a holistic manner. A *Womanist* liberative theory embraces mutuality and community amid the responsibility and stewardship of freedom, and honors the *Imago Dei*, the image of God, the essential goodness and divine beauty in all persons, and engages texts held as authoritative with a careful, critical, creative reading.

¹ Cheryl Kirk-Duggan, “Womanist Spirituality,” in *The New Westminster Dictionary of Christian Spirituality*. (Louisville, Kentucky: Westminster John Knox Press, 2005), 633.

My *Womanist* reading of biblical texts requires a hermeneutics of (1) tempered cynicism, (2) creativity, (3) courage, (4) commitment, (5) candor, (6) curiosity, and (7) the comedic.²

(1) Tempered cynicism, like creative suspicion invites one to question with a sensitivity that knows the joy of the unmanageable, the hope of rooted faith, with the scholarship that honors the complexities of such engagement. (2) Creativity provides a milieu where normative interpretations, rituals, and practices do not hinder new, audacious, perhaps risky exploration of oral or canonical texts. (3) Courage provides the bolster when the analysis feels superfluous or leads to more mystery; with the boldness to ask questions and engage comparative analysis of unique and seemingly antithetical texts and themes. (4) Commitment to comprehensive hearing and just, fitting living of these texts frame the progression of significant discovery. (5) Candor serves as stimulus to reveal injustice within the texts and the communities and societies that embrace such tenets to produce an oppressive, though mainline faith. (6) Curiosity moves one to keep investigating the sacred to push toward heightened justice, inclusivity, mercy, and love. And, (7) the comedic prompts us not to take ourselves so seriously that we fail to grow and respect other interpretations and ways of seeing, despite any disagreement.

Womanist biblical scholars wrestle with the scriptures and other texts as they deal with the absurdity of persecution: calling for a justice, new types of interpretation, accountability, and change. *Womanist* theology³ is the study or discipline of God-talk that emerges out of the rich yet oppressive experience of women of African descent. Such theology explores individual and social behavior in dialogue with the Divine: a God/Spirit who cares and who looks with disgust

²See my first foray into designing a womanist biblical hermeneutic: "Hot Buttered Soulful Tunes and Cold Icy Passionate Truths: The Hermeneutics of Biblical Interpolation in R&B (Rhythm and Blues)" in *African Americans and the Bible: Sacred Texts and Social Textures*, Vincent Wimbush, ed. (New York: Continuum, 2000, 782-803.

³ Diane Hayes, "And When We Speak: To Be Black, Catholic, and Womanist," in Diana L Hayes, and Cyprian Davis, *Taking Down Our Harps* (Maryknoll, NY: Orbis Press, 1998), 102-119.

on those who dismiss, disregard, or denigrate humanity, all creation. Every person is important and relational. *Womanist* biblical theology merges the study of theology, ethics, and exegesis to examine and learn from biblical texts towards transformation and empowerment of all people. Womanist biblical hermeneutics provides a lens for interpreting biblical and living bio-texts. Several such texts have had a tremendous impact on how I read scripture.

An Overview on Domestic Violence

Domestic violence infiltrates all of our communities. Physical, psychological, emotional, spiritual, and sexual abuses occur daily, as we often pretend that such acts do not exist. While a few of us preach about the seven deadly sins of pride/vanity, envy, gluttony, greed/avarice, lust, sloth, wrath/anger; or we may get on our high horses about abortion and same sex marriages because we believe we can make particular groups of people other and scapegoat them, since surely our members are not involved, which allows us to get our audiences all riled up; and we may even now focus on global warming because of our use of fossil fuels and until this week, high gas prices -- we fail to teach and preach to raise the awareness of a sin that eats away at the fiber of many parishioners' souls. The cancer of domestic violence is so potent as cyclically to infest, erode, and slowly, painfully, egregiously affect homicidal destruction, generation after generation. Popular culture exposes the despicable nature of domestic violence, from novels and film to poetry, art, and television. All kinds of music, from opera and country to the blues, R&B, and even hip-hop decry the ghastly, revolting assault repeatedly upon human bodies, minds, and souls. Nevertheless, the church tends to turn the other way, making victims voiceless shadows, championing predators as victorious sycophants, thus annihilating the Gospel. According to

psychologist Arthur Pressley,⁴ the categories of greatest perpetrators are that of police officers and pastor/preachers; the hours when most domestic violence occurs are Sunday afternoons.

Violence is that which harms. Violence can be blatant or subtle forms of aggression, hostility, cruelty, brutality, and force. Such a misuse of power unfolds through individual and communal behavior. At the level of community, violence can be systemic, where laws, rules, and legislative or bureaucratic bodies are intentional about keeping tight reigns on those deemed other. Sometimes those made other become scapegoats. The experiential rhetoric of violence is rife with meaning, including issues of oppression, force, injustice, pain, suffering, and the harsh wielding or misuse of power. The experience of violence is universal and complex. For some, violence is anything that hurts another sentient being and anything in creation. Violence represents an infringement on human rights and the rights of creation. This dehumanizing experience is intrusive and it destroys creativity and one's inner essence as it disallows one's freedom. There are so many levels of violence: the implied and actual; psychological, emotional, physical, mental, and spiritual; economic, religious, cultural; racial, sexual, verbal, and attitudinal -- all of which are relational.

Violence is relational because it affects the entire way of being: whatever is meaningful, loving, and important to human vitality. Yet, violence can distort a strong, substantive faith. A person engaging in passive-aggressive behavior can also be violent. Passive-aggressive behavior concerns a kind of obstructionist opposition to authority figures who wield control in employment or interpersonal circumstances. Sometimes people use this type of behavior to cope with irritation or stress, by using a circuitous, subtle, and apparently passive manner. Some passive-aggressive personalities express themselves by being obstinate, full of resentment, by

⁴ Art Pressley, Conversation and presentation, Society for the Study of Black Religion.

procrastinating, or failing on purpose when faced with doing requested tasks. Usually people who employ passive-aggressive behavior avoid direct confrontation, particularly with the people who are causing them problems. Most often, out of insecurity and guile, the person acting out of passive-aggressive behavior will work to undermine the success or the confidence of the one they feel inferior to or the person for whom they are jealous. If someone calls them on their callous behavior, they usually pretend that they are innocent and did not intend to do anything. At all costs, the passive-aggressive party seeks to avoid blame. Some passive-aggressive behavior manifests as silence.

Domestic abuse and violence pertain to behavior where one adult harms another adult with whom they have been or are presently intimate, and/or harm perpetrated on children in the household. Women and men are both perpetrators and victims, though most perpetrators are male. Victims tend to feel shame around their abuse and usually quite secretive. Many live in fear. The violence is cyclical and takes a variety of forms: mental (playing mind control games), verbal/emotional (coercion and threats), financial (control and manipulate monetary resources, even toward putting victim in debt), social (isolate victim from family and friends), sexual (forced sex, disregarding a No), physical (from intimidation by throwing things or abusing pets to pushing, shoving, hitting to murder), spiritual (use sacred texts to justify abuse), including using the children against the victim and causing them harm.⁵

Violence against women and children occur on individual, institutional, structural, cultural, and interrelated levels. Individual violence occurs globally with particular cultural twists regarding practices concerning dowry, sati (widow burning), widowhood rites, and genital

⁵ Barbara Roberts, *Not Under Bondage: Biblical Divorce for Abuse, Adultery & Desertion* (Ballarat VIC Australia: Maschil Press, 2008), 18-24; Aimee K. Cassidy-Shaw, *Family Abuse and the bible: The Scriptural PErsepective* (New York: Haworth Pastoral Press, 2002), 59-71

mutilation; in addition to rape, sexual harassment, sexual coercion and assault, domestic violence, or female sexual slavery. Institutional violence, often hidden and invisible, works to rationalize, support, and depersonalize individual acts of violence. Many legal and religious institutions foster practices that nurture family violence, giving credibility to family honor, economic subservience of women, and the control of women -- denying women their basic human and civil rights. Collective cultural and structural belief systems that condone gender violence use violence to maintain power and control; champion White male superiority ideology; support a property and profit based economy; support militaristic dominance values; and support win-lose solutions. The interrelatedness of violence emerges when violence is normative, pervasive, impersonal, and invisible.⁶

Because many “invisible” women experience sexual violence, to talk about a continuum of violence can include the various kinds of force, abuse, and coercion used by men to control women; and can begin a conversation about the complexities regarding the impact that sexual violence has on women. How a given woman defines, responds to, and copes with sexual violence over her lifetime is a complicated issue. Some women experience repeat episodes of violence involving emotional outbursts, emotional withdrawal, questioning women’s activities, and efforts to control the women’s social relationships and contacts,⁷ including threats against their children.⁸ The tremendous amount of violence within our society reeks of tyranny, sadistic choice, and rebellion, particularly with the contagion of physical and sexual abuse against

⁶ Dorothy Van Soest, *The Global Crisis of Violence: Common Problems, Universal Causes, Shared solutions* (Washington, DC: NASW Press, 1997), 116-124.

⁷ Liz Kelly, “The Continuum of Sexual Violence,” in *Women, Violence and Social Control* (Atlantic Highlands, NJ: Humanities Press International, 1987), 47, 48, 49, 51, 54.

⁸ Cheryl Kirk-Duggan, *Misbegotten Anguish: A Theology and Ethics of Violence* (St Louis, MO: Chalice Press, 2001), 100.

children by family and strangers. Perpetrators stalk girls and women of color like prey. Statistics and the portrayal of sexual violence through literature, popular culture, and mass media reveal the preponderance of sexual abuse, often depicting it as desirable, normal, and natural. The denial amidst stereotypes and myths portray the majority of rapists as Black and the majority of victims as white female. Such myths and lies make victims invisible, and blame on the victim as well, especially with so-called private, domestic abuse. When such domestic abuse escalates to murder, society often trivializes women's deaths. Even the reporting of crime exacted on a man by his brother, versus a woman whose husband murders her and then commits suicide devalues the woman's life.⁹ Headlines show "how differently the writers treat murders of women by their partners or former partners: "Man charged with murder in brother's death" and "Husband, wife die in dispute."¹⁰

Too often society uses myths about Eve and her being the cause for the alleged Fall (which was actually an expulsion) to blame victims of sexual assault. Some husbands believe they own their wives and demand conformity to the traditional "obedience clause," in the marriage vows, wherein a wife or female partner is forever under the thumb of her mate, including sex on demand. Within male chauvinism and sexism, many women are property of men. Perpetuation of the myth of virginity advocated by many faith traditions has solidified the stigma of rape for the victim. The traditional inferiority of women and the virginity myth that allegedly made her more desirable and worthy than women who had already had sexual intercourse has had a tremendous impact on rape cases. Until the mid 1970s, the rules of

⁹ Linda A. Bell, *Rethinking Ethics in the Midst of Violence: A Feminist Approach to Freedom* (Lanham, MD: Rowman & Littlefield, 1993), 21-26.

¹⁰ *The Atlanta Journal and Constitution* (December 6, 1992), p. E2, in Linda A. Bell, *Rethinking Ethics in the Midst of Violence: A Feminist Approach to Freedom* (Lanham, MD: Rowman & Littlefield, 1993), 25.

evidence allowed a defense attorney to introduce information about the victim's sexual history, while laws prohibited introducing the rapist's sexual history. People often do not believe the rape victim, when rapists are from middle and upper class backgrounds, and have significant standing in the community, and when the rape victim is older and not considered ideally beautiful. With the new laws, rape victims receive better care, female detectives question them, and hospitals now have rape kits to acquire and protect the evidence. Careless, misogynist, institutional attitudes of corruption and power allow rape, sexual exploitation, and violence to continue to occur,¹¹ for the boys are really just sowing their oats, and we expect that, in fact we encourage that; don't we?

Until recently, Western law sanctioned the battering of women by their husbands or male partners. The law against wife beating was not codified until about 1970, though by 1870, it was made illegal. Even today, batterers can often break the law without sanction. Not only do women often not press charges because they are afraid of retaliation from their batterer, they are often told to stay in these abusive marriages by their clergy. Many times physicians often underestimate a woman's abuse, and may not identify spousal abuse, or may tend to dispense medication. Staying in the relationship will undoubtedly result in more violence. Family systems often fall apart when a female is subject to male violence. Since women tend to be relational-based in their ethical analysis, their commitment to preserving the relationship is at work, even though she is the target of abuse. With a tendency toward an epistemology of connectedness, women often relate to the other's discomfort and pain, her male partner. Accustomed to thinking about the other, the battered woman, usually cannot move her attention to herself, from her abusive partner. Some women do not defend themselves out of an attempt to

¹¹ Bernard Braxton, *Sexual, Racial and Political Faces of Corruption* (Washington, DC: Verta Press, 1977), 123-132, 146-48.

heal their batterer's old pain. Regarding power, women often fear when using power for their own self-interest: the fear of being deserted by people they care about, of being selfish or arrogant, and of being destructive. Ultimately, women tend to be at a greater physical and psychological risk in abusive situations, and must decide whether they work to save their economic safety and well-being, or their physical safety and wellbeing.¹² Sexual/gender oppression controls, violates, and limits the personal vitality of one a perpetrator concludes is his, sometimes her property. The levels of vulnerability, silence, and skewed identity of gender predators and their victims emerge in cultural productions from film and opera to novels, music, and biblical narratives.¹³ (101-102)

A Numbers Racket: A Story and Selected Domestic Violence Statistics

The mission of Laura's House is "changing social beliefs, attitudes and the behaviors that perpetuate domestic violence while creating a safe space in which to empower individuals and families affected by abuse."¹⁴ The true story of a woman called Laura from Orange County who was a victim of domestic violence inspired the inception of Laura's House. Unfortunately the end of her particular story is a very tragic one...her life was cut short with her untimely death at age 38.

In 1991, a few local women formed the South Orange County Domestic Violence Action Committee with the dream of building a shelter for battered women in South County. After Laura's mother contacted them, and hearing Laura had nowhere to turn for resources, the women committed to making their dreams become a reality. In 1994, local residents, including co-founders, Sandy Condello and Helen Kendall, called a town meeting in San Clemente and asked

¹² Carolyn F. Swift, *Women and Violence: Breaking the Connection. Work in Progress Series* (Wellesley, MA: Wellesley College, 1987), 3-15.

¹³ Kirk-Duggan, 101-102.

¹⁴ <http://www.laurashouse.org/index.php>

for the community to embrace their vision of Laura's House. There was an overwhelming response from the community with support and funding. They decided to name the agency be in memory of Laura.

Since 1994, Laura's House has continued to grow and offer a multitude of programs and services, which provide vital support and education aimed at avoiding such tragic circumstances from ever occurring again. Laura's House provides unduplicated domestic violence-related services to the 865,000 residents of Orange County, California and beyond.¹⁵ Is this a case unique to California?

According to the National Coalition Against Domestic Violence Fact Sheet,¹⁶ about 1.3 million women are victims of physical assault by an intimate partner each year. Eighty-five percent of domestic abuse and violence victims are women, with women 20-24 years of age at greatest risk for experiencing nonfatal, intimate partner violence. Police usually never receive calls about domestic violence. Domestic violence usually becomes generational, if children witnesses violence between their parents or caretakers. In particular, boys who see domestic violence as children, are twice as likely to abuse their own spouses/partners and children when they get older. Those who perpetrate intimate partner violence tend to abuse their children 20% to 60% of the time.

According to the statistics compiled by Laura's House, from national associations, the FBI, medical institutes, and national surveys, the following variable hold true:¹⁷

¹⁵ <http://www.laurashouse.org/index.php>

¹⁶ <http://www.faitrustinstitute.org/resources/statistics/domestic-violence>; Source: National Coalition Against Domestic Violence Fact Sheet, viewed November 14, 2010.

¹⁷ <http://www.laurashouse.org/category.php?catIDdisp=34&PID=bubby>

In domestic violence cases in the United States, someone beats a woman every 7 seconds; 30% of women in hospital emergency rooms seek treatment for domestic violence; · 42% of female homicides are the result of domestic violence. 700,000 calls for assistance regarding domestic violence have come to The National Domestic Violence Hotline since February 1996. Approximately one-third of all US women state a husband or boyfriend physically or sexually abused them at some point in their lives. Intimate partners stalk about 503,485 women an each year. In 1996, their husbands or boyfriends murdered 30% of all female murder victims in the U.S.

In the case of children and teens, one survey found that young women ages 14 to 17 years old comprised 38% of date rape victims. 40% of teenage girls stated that they know someone their age who has been beaten or hit by a boyfriend. Almost one in every three high school students has been or will be involved in an abusive relationship. In 2000 in Orange County, 28,100 incidents of child abuse were reported – that's 2,340 per month and 78 per day.¹⁸

The prevalence of domestic violence¹⁹ is staggering. Anywhere from 960,000 incidents of violence against a current or former spouse, boyfriend, or girlfriend per year to three million women are physically abused by their husband or boyfriend each year. Globally, at least one in every three women has been beaten, coerced into sex or otherwise abused during her lifetime

In a survey conducted by the National Violence Against Women Survey,²⁰ conducted from November 1995 to May 1996, almost 25 percent of U.S. women reported being raped and/or physically assaulted by a current or former spouse, cohabiting partner, or date some point

¹⁸ <http://www.laurashouse.org/category.php?catIDdisp=34&PID=bubby>

¹⁹ <http://endabuse.org/resources/facts/>; Domestic Violence is a Serious, Widespread Social Problem in America: The Facts

²⁰ <http://endabuse.org/resources/facts/>; Domestic Violence is a Serious, Widespread Social Problem in America: The Facts

in their lives. Intimate partner violence is mainly a crime against women. In 2001, women were 85 percent of the victims of intimate partner violence (588,490 total) and men were approximately 15 percent of the victims (103,220 total). Almost 324,000 women experience intimate partner violence during their pregnancy each year. Race, age, class do not keep women safe from intimate violence, all women are about equally vulnerable. Due to physical differences, male violence against women causes much more damage than female violence against men; women tend to be injured more times than men. Every day in the US, husbands or boyfriends murder more than three women. In 2000, intimate partners murdered 440 men, and 1,247 women. Homicide, more than any other cause, tends to be the reason why pregnant and recently pregnant women die than any other cause, followed by cancer, acute and chronic respiratory conditions, motor vehicle collisions and drug overdose, peripartum and postpartum cardiomyopathy, and suicide.

The next time you go to your temple, mosque, church to gather with your faith community, know that one in every four persons in the congregation is currently, or has been involved as victim or perpetrator of domestic violence and abuse.

Oh ye, Oh ye, Court's in Session: Deuteronomistic Laws Support domestic violence

Biblical scholarship often searches for a privileged reading toward some "Truth" about biblical history and ancient Israel, but Biblical stories, from the histories and allegories to the parables contain multiple and often conflictual truths; limited certainty, amidst irony and ambiguity, often based on a psychological need to assert infallible credence to church authority and tradition. Some biblical scholarship attempts to reconstruct the socio-political and religious history of ancient Israel and the Near East. The histories within the Bible relate to stories, which are often reconstructed into particular contemporary ideologies, which are then used to justify the

oppression of others. Other narratives, from music and art to literature and the living biotexts of individuals and communities are marvelous documents for reflecting on God and our covenantal life with God. When broaching the issue of domestic violence, Deuteronomy is a particularly interesting book given its attention to rule of law.

The Book of Deuteronomy is about the second giving of the law, given as covenant via Moses' meditation on Mt. Sinai, between God and Israel, immediately following their deliverance from Egyptian enslavement. The book begins with a summary narrative of Israel's wilderness life, holds several collections of quasi-legal materials, legislative prescriptions, warnings, exhortations, blessings, cursings, sermonic speeches, and ends with the death of Moses. The book's authors are a group of scholars, reformers, and preachers, who prized education and exude a confidence they could control the national administration. Their flurry of language indicates their probable connection to the imperial administration, echoing the style of the royal psalms. These ten laws underscore humanity's need to be self-regulating regarding their behavior. Primarily the laws focus on restraining abuses, and preventing defects amid official legislative structures, from destroying community life, as then link religious responsibilities with familial and communal duties.²¹

Critical to understanding these laws that often seem arcane, is to grasp the three-tiered marriage process and to explore the status of women as property.

Marriage customs involved three stages: the engagement, possibly arranged from infancy by matchmakers or parents, the betrothal, usually beginning around puberty for about a year when the persons are known as husband and wife, and the pronouncing of the marriage vows before witnesses. If a mean-spirited groom wrongfully accused his bride and her parents of

²¹ Ronald Clements, "Deuteronomy" in *The New Interpreter's Bible: A Commentary in Twelve Volumes* (Nashville: Abingdon, 1998), 271-272, 280-281, 336

deceiving him by lying about her virginity, and they proved she was a virgin, he had to pay a steep fine to his father-in-law and could not legally divorce her. He had to continue to live with her and support her, as his wife. If they could not prove her virginity, they deemed she had done a disgraceful thing, and would be stoned to death. Either way, the personal became a family matter. Any acts of adultery had the penalty of death. What hurt the family hurt the tribe, the clan, the nation. The Levitical law states that if a man sleeps with another man's wife, both receive death penalty, though this sentence was not always administered, as in the case of King David. The period of betrothal banned sexual intercourse. If sexual assault occurred in the city and the woman cried for help, she was acquitted. Judges usually assumed if no one heard her cry that she was complicit. In the country, where cries would probably not be heard, she would be deemed innocent, and he would be given the death penalty. If they were not betrothed, the rapist would have to marry the woman and pay the bride price. Braun argues that we misunderstand the text if we think it condones rape. Rather the text puts men on divine notice that they should not give into temptation.²² Levirate marriage adds a unique situation to the discussion.

Dvora Weisberg notes that the complex, varied construction of levirate relates to widowhood, inheritance, continuity, and kinship systems. In Levirate related societies, inheritance usually passes from father to son, or fraternally, from one brother to the next, with the contextual foundations are patrilineal, patrilineal culture. Levirate implementation varies. Sometimes the wife is like chattel, part of the inherited estate of her dead husband. Other times, she can choose or reject a levirate marriage; the family may court her, because they want her to continue as their daughter-in-law at the death of their son. The family has a great deal of power over her; as widow, she has limited options. Her late husband's inheritance becomes that of his

²² Mark Braun, *Deuteronomy: People's Bible commentary* (St Louis: Concordia Publishing House, 1993), 200-207.

patrilineal relations. Following the Abrahamic covenant (Gen 12:1-3), the Hebrew Bible prioritizes covenantal land and continuity of family. Levirate as requirement (with, however, an exception) in ancient Israel occurred when a man died without a male heir (Gen 25:5; Gen 38), which also meant the man's estate reverted to his male kin. Should the husband's brother refuse to participate, the widow goes public before the elders to denounce her brother-in-laws' rejection, in a shame ceremony (*halitza*). Intriguingly, the widow in Deut 25 has a voice, where other women in Deut remain silent. As levirate tests fraternal loyalty, is also provides fodder for possible tension between the remaining, living brothers. If a levir and his sister-in-law(s) engage in sexual intercourse, given the possibility of several wives of the deceased brother, and that wives have no power as widow, opportunities for misconduct or abuse is huge. Issues of power, potential tensions, and that sexual intercourse between the levir and his deceased brother's widow as completing the marriage notwithstanding, rabbinic texts indicate that preferred practice involved a declaration of the marriage and the woman's consent. The levirate widow remains more chattel than person, however, because the assignment of her sexuality is to her levir.²³

Briefly, Deut 21:10-13, 21:18-21, and 22:13-29, particularly 22:22-24 and 22:25-29 provide texts that signal domestic violence. Deut 21 emerges in a context of war, where God gives an enemy to Israel, and one of the men sees *beautiful* woman who he desires. Why the importance of her beauty? What is the qualifier of beauty? This wife –to-be has no rights or choices; and there is the question of virginity. In reading Deut 22, questions arise as to will they punish the man? How must a woman cope when her so-called husband lied on her and slandered her? Interestingly, if she is not virgin, they assume she is prostitute. The text speaks of marriage violations and rape. A man marries one woman, has sex with her, and claims she is not a virgin.

²³ Dvora E. Weisberg, *Levirate Marriage and the Family in Ancient Judaism* (Waltham, Massachusetts: Brandeis University Press, 2009), 7-27, 98, 13-136, 140.

The father and mother have evidence speaking differently and Dad says the man made up charges. When father is correct, elders take the man and punish him; fine him 100 shekels of silver, to give to young woman's father; yet, she remains his wife; he cannot divorce her. If the accusation is true, the young woman will be stoned to death; the elders deem this a disgraceful act; evil must be purged. This text puts an entirely different spin on population control.

In Deut 21:10-14, marriage to captive women involved women taken from lands beyond Canaan, as God forbade marriage between Israelites and Canaanite women. The rituals stipulated could be viewed as those related to mourning or purification. Braun suggests that the head shaving, nail trimming, and putting aside old clothing along with the stipulation that the captive woman could not be enslaved or divorced were part of a humanitarian agenda towards victims of battle.²⁴ Marriage of captive woman pertains to rule of war, household order, and authority. Raymond Brown posits that the foreign woman has no power, no voice, and no capacity to refuse or obey. Contemporary readers, particularly those aware of the devastating reality of domestic violence would find this text barbaric.²⁵ The captor cannot degrade or treat a female war captive inhumanely; she must experience respect, have suitable shelter, suitable attire, total security, time to mourn her parents. The socio-historical, cultural context of the ancient Near East would have not been so accommodating. Her captor cannot treat her like a slave, nor can she be the brunt of male lust, impulsivity, or crudeness. The captor and family must respect and protect this gentile, after the fact of capture, based upon the holiness of God and the edict for people to live responsibly.²⁶

²⁴ Mark Braun, *Deuteronomy: People's Bible commentary* (St Louis: Concordia Publishing House, 1993), 189.

²⁵ Walter Brueggemann, *Deuteronomy*. Abingdon Old Testament Commentaries (Nashville: Abingdon, 2001), 216-217.

²⁶ Raymond Brown, *The Message of Deuteronomy: The Bible Speaks Today* (Downers Grove, IL: Intervarsity Press, 1993), 206-208

Some scholars like Ronald Clements read this text as honoring the captive woman by allowing her to mourn the loss of her former family and home, as she becomes totally integrated into Israel's community, which provides her with the freedom experienced by other Israelite women, not be treated as an enslaved wife. Once this status occurs, no one can take it away. Clements grounds this rationale under the rubric of a foundational commitment that Deuteronomy 21 posits the sacredness of all life as divine gift, the import of marriage as the catalyst for new life, and the need to protect and perpetuate the preeminence of the gift of life within the family and larger community.²⁷

Why is the focus a beautiful woman? Why must she pare her nails and shave her head. Isn't this demeaning, psychological abuse? She stays in house and discards captive's garb; what garments replace her former clothing? Did they kill the father and mother? What about siblings? Waiting for month, then the captor can go into her, be her husband. She has no rights. When man is not satisfied, he must let her go free, and not sell her. Where is she going to go? What is the relationship between not treating her as a slave and that she has been dishonored? What in particular dishonored her? Dishonor comes in many forms, and behavior that was once acceptable for example, around disciplining children in many sectors have changed. The wife has no rights or choices. How she must cope when her husband lied on her and slandered her?.

Carolyn Pressler notes that the captive marriage law concerns what happens in the household and legally allows an Israelite household to incorporate a gentle woman, normally an impossible process. Marriages are contractual agreements between a groom or his parents and the bride's parents. The related rituals acts seem to include change of status from captivity and a sign of purification. The law does not inherently protect the woman from having to submit to

²⁷ Ronald Clements, "Deuteronomy" in *The New Interpreter's Bible: A Commentary in Twelve Volumes* (Nashville: Abingdon, 1998), 445-446.

unwanted sexual intercourse. Dt. 21:14 where the man has had his way with her pertains to illicit sex, where the man has violated the woman. While the captive wife is a subject at the behest of her captor husband, as subject she has feelings, has personhood, for Pressler notes that one cannot humiliate chattel or property. (That the texts provides for limited agency, still makes tremendous assumptions about the persona, concerns, imagination, and reality of the captive woman).²⁸ Equally as riddled with domestic violence is the case of the rebellious son.

When a rebellious son disobeys both parents, then both must take him to town elders at the city gate; all men of town will stone him to death, purging evil. On the surface, Deut 21:18-22, gives two parents' permission to have a "hit" put on their rebellious son for his misconduct (albeit from "certified elders and not mafia hit men). Ancient Israel saw a rebellious, stubborn, profligate, drunkard son as despicable, breaking covenant, with a requisite punishment of death. Brown argues that while the sentence is severe, several criteria are at stake: a rebellious son is breaking divine law; breaking parental, thus covenantal law; they must confront the son; the elders must support the disrespected mother and father; and the law must protect the community from the son's negligence. Yet, since is no biblical evidence indicates that this law was implemented, Brown concludes this law was meant as a deterrent.²⁹ The son's rebellion is mutiny against God and the community. Insistence of parental rights over the son signals familial, hierarchal authority, and the standing and privileges of dependent family members.³⁰ While this may be true, what about a "believer" who reads this text not mindful of tradition, not literate in Hebrew, not cognizant of contextual and societal issues and practices in ancient Israel?

²⁸ Carolyn Pressler, *The View of Women found in the Deuteronomic Family Laws* (New York: Walter de Gruyter, 1993), 9-15.

²⁹ Raymond Brown, *The Message of Deuteronomy: The Bible Speaks Today* (Downers Grove, IL: Intervarsity Press, 1993), 208-210.

³⁰ Carolyn Pressler, *The View of Women found in the Deuteronomic Family Laws* (New York: Walter de Gruyter, 1993). 17-20.

The law locates the son's obstinate behavior amid familial and societal authority within the larger context of Israel's obedience to Mosaic command. His misbehavior dishonors the family and ultimately jeopardizes its economy. This familial situation becomes public as his disobedience threatens community life, Community wellbeing trumps personal freedom. This death penalty sentence seems unduly harsh. Brueggemann notes that rule of law in Deuteronomy 21:10-21 unsettles and leaves unfinished the interrelatedness of structural authority, individual freedom, and human dignity. Communal infrastructure has three aspects: divine-given order of reality, traditional male authorized power, and obligation of support of neighbor.³¹

How interesting that son must disobey *both* parents, and both parents must bring him to elders. Why do interpreters connect the disobedience with being a glutton and drunkard? What is the evil that is purged?: the deeds/acts and/or the boy?

While the selected texts from Deut 21 concern captive marriage law and sanctioned child "civil/faith" ordered murder, selected texts in Deut 22 focus on wife-slander, rape, virginity, social justice, and sexual conduct.

Concerned about social justice and just distribution of goods, Deut views social justice, and sexual conduct as matters of morality. In these settings, codes of conduct relate to honor and dishonor. When shaming as a social tool of behavior modification fails, prescriptive rules of law are in place to ensure order and personal civility. In Deut with the slandered or suspect virgin, no one questions the woman. Without the evidence of the stained bed linens the elders, who are administrators of public trust not judges, respond via the social contract that connects them.³²

³¹ Walter Brueggemann, *Deuteronomy*. Abingdon Old Testament Commentaries (Nashville: Abingdon, 2001), 218-221.

³² Victor H. Matthews, "Honor and Shame in Gender-Related Legal Situations in the Hebrew Bible, in *Gender and Law in the Hebrew Bible and the Ancient Near East*, JSOT Supplement Series 262, eds. Victor H. Matthews, Bernard M. Levinson, and Tikva Frymer-Kensky (Sheffield, England: Sheffield Academic Press, 1998), 97-101, 111.

Deut 22:13-21 celebrates and authorizes male privilege. Because the husband hates his wife, he feels entitled to accuse her of not being a virgin. If the charges are false, the husband owes his wife's father a payoff and has to stay in the marriage. The woman received no consideration. If his accusations are true, she receives the death penalty. Why? We never hear her voice. The text makes tremendous assumptions, and this "disgraceful thing" she has done in Israel disgraces her family, debases her husband, and endangers her community. Deut 22 uncritically authorizes male authority, assume male domination and female inferiority, framed by divine sanction.

Deuteronomy explicitly disregards mutuality, engages abusive authoritarianism. In the twenty-first century in addition, many err by privileged autonomy over against embracing covenantal faith and freedom.³³

Deut 22:13-21 concerns a husband's slandering his bride, which affects the community. If she is innocent, he had to pay damages to his father-in-law, and insists that he take care of this bride for the remainder of their lives. Such an accusation has serious social implications, and frames such misbehavior within Israel's responsibility to get rid of evil, perceived as a threat to social order. Her guilt would require the death penalty. As opposed to the woman in the captive marriage, the women in Deut 22 are objects of marital arrangements not subjects, for they are acted upon, grammatically. A woman's relationship to a particular man determines her legal status. While she has little power, she is liable to abide by Deuteronomic law. Further, familial Deuteronomic rule of law focuses on women regarding their functions or relational roles as wife, mother, and daughter, particular as how she relates to the male head of family. This relationship affects her socioeconomic and legal wellbeing and worth. Wives seem to be held subordinate to husbands in Deut. Although Deut spends little time on finances, references of fines for damages

³³ Walter Brueggemann, *Deuteronomy*. Abingdon Old Testament Commentaries (Nashville: Abingdon, 2001), 222-223, 225-227.

(Deut 22:19, 29), indicate the father/husband seems to control family finances and resources; though this does not conclusively indicate that a woman could not own property. Deut generally presents women as objects and men as agents of marriage and divorce, though a man cannot divorce a wife he has harmed (Deut 22:19, 29). The law is inconclusive regarding a wife's capacity to initiate divorce. A wife has no reciprocity when it comes to her husband's marital faithfulness, while he has complete claim to his wife's sexuality and her reproductive ability. Some Deut texts assume parity between mother and father regarding offspring in intrafamily concerns (Deut 21:1-21), others do not (Deut 22:13-19), particularly interfamily matters. Deut laws give fathers principal authority regarding dependent minor children regarding issues concerning other families as familial economy, honor, and martial alliances. The status of daughter parallels that of son regarding parental relationships, including obedience (Deut 21:18-21), duty to perform mourning rituals (Deut 21:13), being valued by parents (Deut 28: 32, 41, 53, 56), and both are to worship YHWH with their family (Deut 12:12, 18; 16:11, 14). The status of daughters differs regarding types of charges pertaining to rebellious daughters (loss of chastity) versus rebellious sons (reckless public behavior). Sons will inherit; daughters become dependent upon her husband and will not inherit from their father. In sum, Deut views a wife subordinate in relationship to her husband, a function of gender. Rights of mother and daughter respectively concern offspring and parents, in addition to gender. While husband/father, head of household, does not have unlimited authority, he does have extensive power, given the power of the state and the local council. He controls terms of marriage, his wife's sexuality, and familial economic matters, under the guise of protecting the family's stability.³⁴

³⁴ Carolyn Pressler, *The View of Women found in the Deuteronomistic Family Laws* (New York: Walter de Gruyter, 1993), 22-30, 40, 81-94, 113.

Rape laws in Deuteronomy and other Hebrew Bible texts invite contextual, socio-political, and theological reflection. Rape texts occur through Genesis, in Judges, and in prophetic literature, that involve human and divine rape, including rape as acts of war. Analyzing these texts is complicated. We cannot get behind questions of historicity, to know which rapes actually happened. Some interpreters like Augustine chose to blame the woman for being raped. Others remind us that biblical rape is descriptive not prescriptive. Many of the texts focus on motherhood, or sons as heirs. Whether a woman is enslaved or free, issues of class and gender hierarchies framed by androcentric social realities shape her reality, one often fraught with destruction and oppression. Rape then and now is not about sex as it is about power over and control. Until 1982, with the publication of Diana E.H. Russell's *Rape in Marriage* book, marriage meant open season on wives regarding their husbands' capacity to sexually violate them. Marriage still meant wife and children were a husband's property, where he could have his will and his way; requiring absolute submission. Research by Raquel Bergen and others show that marital rape tends to occur because of entitlement, punishment, and as a means of control. Male marital rape fantasies occur in Genesis so-called wife-sister stories, the David/Bathsheba saga in 2 Samuel, and the Daughter Zion narrative in Hosea 2. These stories reflect sexual violence the wife's voice is mute and the husband's neurotic fear generates his need to control.³⁵

Many biblical commentators recognize rape law in Deut 22:25-29 and contest or do not label rape in Deut 21:10-14 and 22:22-24. Such scholars often make pronouncements about these texts from an empiricist-positivist context that support androcentric ideology without disclosing their hermeneutical assumptions. For Deut 21, scholars like Duane L. Christensen, Robert Clements, speak with authorial intent and focus on the import of marriage, premarital abstinence,

³⁵ Susanne Scholz, *Sacred Witness: Rape in the Hebrew Bible* (Minneapolis: Fortress, 2010), 2-7, 55-57, 83-85; note #4, p. 229.

and shared spiritual values of wife and husband, giving little or no attention to the coercion or the soldier's lust for a captive woman. Carolyn Pressler's interpretation focuses on the regulation where a male soldier desires marriage with a captive woman after the war, hinting at this legislation as rape law. While Harold C. Washington situates Deut 21 in an ancient context, without dealing with the reader's response, he does interpret the text as rape law.³⁶

In Deuteronomy 22:22-29, most commentators locate these texts in categories of domestic, family, marital and sex or sexual misconduct laws where the issue is adultery, not rape. Deut 22:22 where a man and wife of another are caught lying together, does not offer irrefutable information about this relationship; whether forced or consensual. The text focuses on the penalty and assumes the guilt of both parties. In Middle Assyrian Law and the Code of Hammurabi, such case law focuses on the penalty, with a variety of options. Deut 22:22 stipulates death. Readers and interpreters of these laws name the offense as adultery, not the text. Some interpreters view Deut 22:23-24, where an engaged virgin and a man meet and lie together in town and she does not cry for help, as seduction. Some ascribe adultery because obviously she consented as no one heard her; others concede this is rape, because the law does not determine that she did not cry for help; she may have and no one was in the vicinity to hear. Such a reading ignores ambiguity and the terror and fear that one can have when being threatened³⁷ (Scholz 115-116). No consideration avails for amount of force, size of perpetrator, or state of mind of the woman. Had she been threatened before? What kind of personality does she have? Given her personality, does she tend to acquiesce? Does he have any weapons?

Deut 22:25-27, distinctly depicts rape, as it occurs out of earshot of others, and the sexual act was forced, since no one heard her. Deut 22:28-29 is a heinous text that it obliterates any type

³⁶ Susanne Scholz, *Sacred Witness: Rape in the Hebrew Bible* (Minneapolis: Fortress, 2010), 109-112.

³⁷ Scholz, 115-116

of dignity for the woman, as it cares more about the father's interest (Scholz, 116-117). The text condones the rape: a man meets a non-engaged virgin, rapes her, and if caught in the act, he has to pay her father fifty shekels of silver. She has to deal with the indignity that the law says after payment she has to become his wife, and he can never divorce her. The text is silent on what happens if no one observes the act. The rule of law for rape in Deuteronomy provides opportunities for more dialogue around socio-historical, cultural, contextual, hermeneutical, political, theological, and ethical lines where we own the complexities, uncertainties, and ambiguities in the Hebrew Bible. Otherwise, rape remains hidden as perpetrators continue to violate, under the guise of biblical authority and marital sanctity.³⁸

Virginity concerns the question of chastity in cases of the slandered bride (Deut 22:13-21) and the unmarried daughter (Deut 22:28-29). The Hebrew bible has an expectation of virginity, and the virginity has a price tag (Exod 22:16), whether or not the father allows the marriage. With death in childbirth a common occurrence and the prevalence of polygamy, husbands would be available for most girls, but the brideprice requires virginity. While the reasons societies and families so value virginity goes beyond the scope of this discussion, history shows that virginity/chastity and control are closely connected.³⁹ (97-80, 85). Deut both limits paternal control and circumvents any attempts at a shotgun marriage, where “the father forces the girl's lover to marry her; [and] an elopement, [where] the willing bride and groom force the father to accept the marriage. . . . But in Deuteronomy, society oversees family affairs and fathers no longer have life and death control over their dependents.”⁴⁰

³⁸ Scholz, 132-133.

³⁹ Tikva Frymer-Kensky, “Virginity in the Bible,” in *Gender and Law in the Hebrew Bible and the Ancient Near East*, JSOT Supplement Series 262, eds. Victor H. Matthews, Bernard M. Levinson, and Tikva Frymer-Kensky (Sheffield, England: Sheffield Academic Press, 1998), 79-80, 85.

⁴⁰ Frymer-Kensky, “Virginity in the Bible,” 93,

With the slandered bride, since her parents retain the bed sheets from the wedding night, instead of the groom or his parents, if her parents find a blank cloth and they believe their daughter is a virgin or are complicit in the fraud, they can falsify the evidence by putting animal blood on the bed linen before presenting them to the elders. Ultimately, the girl's fate is in her parents' hands. The harsh death penalty if the girl is found guilty pertains to family honor in the community.

Harold C. Washington argues that biblical law creates or (en)genders violence, and views Deuteronomic laws regulating warfare and sexual assault (Deut 20:1-20; 21:10-14; 22:23-29) concerns male power. The socio-cultural context for the production of these laws expresses a reality where the construction of male identity and subjectivity inevitably seemed to rely on violence against women. Such legislation valorizes vicious acts, interprets them as key to male agency, and generates legal conditions for their implementation. Just as gendered discourse in biblical prophetic literature personified the city as a woman violated under military attack (sexual assault), and YHWH intimidates or threatens Jerusalem with sexual assault, these sentiments create a contextual, discourse of violence for understanding war laws in Deuteronomy. As these laws regulate power, they also effectively ensure violence and domination, as opposed to protecting victims from attack or offering solutions for violence.⁴¹

Deborah Ellens analyzes the concerns of the “female-captive-turned-Israelite wife” (170) in Deut 21:1-4 and determines the issue is property not sex, where women and sexuality intersect, as the “language-depicting-the-sex-act objectifies” (171). The case law assumes the instrumentation of sex as legal process for obtaining legitimate offspring for the male captor, and

⁴¹ Harold C. Washington ‘Lest He Die in the Battle and Another Man take Her’: Violence and the Construction of Gender in the Laws of Deuteronomy 20-22,” in *Gender and Law in the Hebrew Bible and the Ancient Near East*, JSOT Supplement Series 262, eds. Victor H. Matthews, Bernard M. Levinson, and Tikva Frymer-Kensky (Sheffield, England: Sheffield Academic Press, 1998), 186-187, 195-202, 212.

provides limited consideration for the captive wife, as she cannot become a slave. Given that Deut 28:30 reflects the horror of being taken violently for the Israelite women, Israel would have had to have some sense of the horror for the captive-turned-Israelite wife. Yet, since those who owned her sexuality are dead, so they would find her concerns immaterial and inconsequential. The law restrains the captor to assure the captive wife's production of his progeny. Ellens notes that the law itself does not legalize, forbid or view these events as rape. Yet, in the Hebrew Bible, scholars view הנע in a variety of ways: that it pertains to improper sexual acts that humiliate a woman; can stipulate consensual sex, or abusive, nonsexual behavior. Since her male relations are dead, the act does not harm the man through the woman; rather it alters her status or social position, and has no concern regarding her emotions. Contextually for the text, the captive female turned wife is legally a marginalized object, property of her male captor. Even when a woman has limited agency because she is an implied addressee (Deut 22:13-23:1) and has some onus for the sexual property, she remains a victim.⁴²

Deuteronomistic laws/scenarios challenge/critique domestic violence

The covenantal language of the Decalogue or Ten Commandments engage authoritative discourse of divine control, majesty, and glory of unequal partners, which includes all Israel of a didactic an obligatory nature; steeped in a theology of mercy, compassion, steadfastness, and jealousy. This discourse requires dedicated, singular, committed worship, to be caring societal, communal partners who are totally dependent upon God.⁴³ Reviewing the thought of John Wesley was in The Sixth Commandment condemns killing; thus one should not hate, hurt, or do harm to self or to another. Wesley speaks of the Seventh Commandment, avoidance of adultery,

⁴² Deborah L. Ellens, *Women in the Sex Texts of Leviticus and Deuteronomy* (New York: T & T International, 2008), 170-171, 176-188, 233-234.

⁴³ Raymond Brown, *The Message of Deuteronomy: The Bible Speaks Today* (Downers Grove, IL: Intervarsity Press, 1993), 76-93.

with the language forbidding any unclean acts against the soul. The Eighth Commandment pertains to stewardship, not robbing the self through being a spendthrift or taking from others through debt, stealing, or improper use. He speaks about the Ninth Commandment as unjust communication, as not bearing false witness, speaking unjustly or falsely, or lying that causes others ruin. The Tenth Commandment, also about stewardship, bans or deters any coveting or desire of another's holdings.⁴⁴

The proscription to not murder does not pertain to general killing, rather to types of violent illicit acts of carnage. Deuteronomistic laws stipulate the differences between accidental killing, homicide, and revenge killing. This commandment works to deal with crimes where wanton, vengeance killing evaded laws against homicide.⁴⁵ Absolute, clear cut law and case law which tends to be conditional as to fault and punishment in Deut and Num concern murder. Num 35, case law, determines the veracity of a murder charge based on motive and intent. Murder in Deut 5 never pertains to death via warfare, accidental death, suicide, or illness.⁴⁶

Patrick Miller posits that the law indicates sexual intercourse of a wife with any other male and sexual intercourse of a husband with any other married woman, though a concubine or prostitute do not count. He notes that this does not necessarily mean a wife was viewed as her husband's property, but reflects Israel's patriarchal structure and the need to protect the paternity of marital offspring. Fornication was a non-issue here. Unmarried persons having sexual intercourse did have some regulation, though adultery was viewed more seriously as a moral

⁴⁴ Wesley's commentary on the Ten Commandments. Exodus 20; http://wesley.nnu.edu/john_wesley/notes/exodus.htm; viewed June 15, 2007.

⁴⁵ Ronald Clements, "Deuteronomy" in *The New Interpreter's Bible: A Commentary in Twelve Volumes*, Vol. XX (Nashville: Abingdon, 1998), 333.

⁴⁶ Thomas W. Mann, *Deuteronomy*. Westminster Bible Companion (Louisville, KY:Westminster John Knox, 1995), 77-79.

issue.⁴⁷ Prohibition of adultery pertains to a violation of social norms, where offenses occur against one's spouse and one man against another man. Rife with sexism and double standards, male adultery does not include a man having sex with a prostitute or with an unmarried woman, or having multiple wives and concubines or secondary wives. While scholars differ as to the property status of women, women did not have the sexual freedom accorded men. Ultimately, adultery involves the alienation or spiritual infidelity that happens prior to any physical acts.⁴⁸ Purge evil from Israel. What is the specific evil? With virgin who does not cry out, assumes her guilt. Perhaps she was traumatized previously. No instance of conversation to check out the facts. Focus on purging evil again

The edict to forbid stealing, stand on foundational principles for Israel: inalienable rights of familial and clan inheritance and the fruits of work are one's possessions and goods. While the eighth commandment implies right to private property ownership, it signals that theft disrupts society, negates neighborliness, and introduces fear and suspicion into the community.⁴⁹ Perhaps new wealth and prosperity in ancient Israel, producing class differences, and inequalities necessitated a law to deal with proof of ownership. Contrast between opulence and destitution may have served as catalysts for theft and cheating, crimes tedious to deal with when evidence may not have been satisfactory or apparent.⁵⁰ Direct and indirect forms of stealing occur in biblical texts and in contemporary culture. So-called white-collar crime is an indirect form. Stealing is its most devastating with the disavowal of the victim's personal dignity. The

⁴⁷ Patrick Miller, *Deuteronomy*. Interpretation: A Biblical Commentary for Teaching and Preaching (Louisville, KY: John Knox, 1990), 88-89.

⁴⁸ Thomas W. Mann, *Deuteronomy*. Westminster Bible Companion (Louisville, KY: Westminster John Knox, 1995), 80-83.

⁴⁹ Paul E. Brown, *Deuteronomy: An Expository Commentary* (Rylands Road, Leominster, UK: Day One, 2008), 60-61.

⁵⁰ Ronald Clements, "Deuteronomy" in *The New Interpreter's Bible: A Commentary in Twelve Volumes* (Nashville: Abingdon, 1998), 34.

commandment prohibiting stealing involves a personal and social ethic, and notably prohibits actions that deny people's fundamental needs, even if the act is not actually theft, like the gleaning law. Since everything ultimately belongs to God and all resources are a divine gift, the use of all resources must take into account the larger community, the world.⁵¹

False, malicious testimony against an innocent individual, where only God could ultimately set out an innocent verdict was problematic in ancient Israel. Problematically, not only could such accusations lead to capital punishment, it would be a strong temptation for one to engage supporting testimony against another, particularly since at least two witnesses were needed for valid testimony.⁵² While lying initially pertained to perjury regarding courtroom testimony, lying affects public and private relationships. When families are dysfunctional and gravitate toward deception about abuse, assault, or addictions, regardless such deception puts the family in cyclical lying.⁵³ "Do not covet," i.e., crave or desire, prohibits deeply wanting or desiring something and then going and getting it – an action; to crave concerns the mental attitude around desire. Such desire and craving, often triggered by personal insecurity, seeks quick pleasure rather than true satisfaction.⁵⁴

Amidst the Ten Commandments, we must not murder – domestic violence leads to actual and spiritual homicide, for those who are not outright murdered, they die slowly insight when they are recipients of ongoing assault. We must not steal, and we steal the innocence of people when we violate them; we steal their personhood by breaching their personal boundaries; such

⁵¹ Thomas W. Mann, *Deuteronomy*. Westminster Bible Companion (Louisville, KY: Westminster John Knox, 1995), 84.

⁵² Ronald Clements, "Deuteronomy" in *The New Interpreter's Bible: A Commentary in Twelve Volumes* (Nashville: Abingdon, 1998), 334-335.

⁵³ Thomas W. Mann, *Deuteronomy*. Westminster Bible Companion (Louisville, KY: Westminster John Knox, 1995), 87.

⁵⁴ Thomas W. Mann, *Deuteronomy*. Westminster Bible Companion (Louisville, KY: Westminster John Knox, 1995), 88.

behavior is illegal, immoral, and inappropriate. We are told not to covet our neighbors; to covet is to desire, long for, crave. At some level, one desires to control another and domestic violence becomes the tool. Such a recourse is cowardice and sin. When we teach and preach these texts, there is an opportunity to make it plain how deeply wrong and offensive to a God of love, when one engages in domestic violence. Similarly, Deut 15 attests to human dignity and resilience, concepts antithetical to domestic violence

Several of the laws concerning the sabbatical year relate to human dignity. The laws call for compassionate caring, with open heart, ready to help another in need. One should reflect a caring attitude because God provides everything. God gives them the land and the land allows prosperity. Further, to those who are generous, God promises blessing. The constant need within society requires ongoing generosity. One should never close themselves off to those in need.⁵⁵ The law around sabbatical release honors love of humanity and love of neighbor. Living by divine law lessens poverty. One is to relate to those who are poor, in word, deed, attitude, and disposition. As a moral imperative, one is to provide compassion and care for those in community, notwithstanding the gender exclusive nature of the focus on brother.⁵⁶ Otto posits that certain Deut texts move toward more inclusivity for women, notably Deut 15:12, where the text includes women and men regarding the release laws, which had more a theoretical reality than practical application. Yet, Otto sees Deut engaging notions of equality, when it has a notion

⁵⁵ Paul E. Brown, *Deuteronomy: An Expository Commentary* (Rylands Road, Leominster, UK: Day One, 2008), 131.

⁵⁶ Patrick Miller, *Deuteronomy. Interpretation: A Biblical Commentary for Teaching and Preaching* (Louisville, KY: John Knox, 1990), 135-137.

of society absent oppressed or marginalized people.⁵⁷ To the contrary, Deut 24:5 wants to protect newlyweds, and does not make some of the types of assumptions like other marriage laws.

Marriage law regarding newlyweds concerns human wellbeing. These verses indicate the import of marriage, and an awareness of the fragile nature of newly formed relationships. By not sending the newly married man to war, covenant privileges time to stabilize the marriage, to protect the groom from physical harm, and intends that this time be spent in bringing his wife happiness both through his presence and by eliminating the possibility of her becoming a widow early on, due to his death in war, or her being left to care for their unborn child.⁵⁸ (fn) Further his premature death might leave him without an heir, if the wife had not yet conceived.

Cultural productions expose the Heinous Nature of Domestic Violence

*Burning Bed*⁵⁹ opens with an explosion and a house burning out of control, set by Francine, a woman subjected to years of domestic violence. Her court appointed attorney comes, and notes that she confessed to killing her husband. She's reluctant to help her defense. The movie goes back to 1963, when Francine and her husband, Mickey first meet. They date briefly, marry, and live with his parents. Later they move to their own house, she is in denial about his abuse. Cyclically, he beats her, and sometimes she leaves. Her mother argues that it is her duty to stand by him. He always says he is sorry; he loves her. Once, bruised, shaking, and scared she learns she cannot get welfare unless her husband is present. A social worker pays the fee so she can file for divorce, allowing her public assistance. Two children and one pregnancy later, her

⁵⁷ Eckart Otto, "False Weights in the Scales of Biblical Justice? Different Views of Women from Patriarchal Hierarchy to Religious Equality in the Book of Deuteronomy," in *Gender and Law in the Hebrew Bible and the Ancient Near East*, JSOT Supplement Series 262, eds. Victor H. Matthews, Bernard M. Levinson, and Tikva Frymer-Kensky (Sheffield, England: Sheffield Academic Press, 1998), 143-146.

⁵⁸ Raymond Brown, *The Message of Deuteronomy: The Bible Speaks Today* (Downers Grove, IL: Intervarsity Press, 1993), 229.

⁵⁹ *Burning Bed*, Director Robert Greenwald; VHS 1984; DVD 2004. **ASIN:** B0002CR036

friend reminds her that Mickey has always had a bad temper. Untreated alcoholism was a contributing factor. Her in-laws visit her in the hospital and ask when they are getting back together. When Mickey visits, he says a thousand divorces cannot stop what they have; she says it is over. Angry, he drives recklessly and sustains critical injuries. When he returns home, he continues the abuse: she *belongs* to him; anywhere she goes, he will find her. He beats her mercilessly as the kids overhear the fighting. He torments her over taking correspondence courses. The law would not protect an abused spouse, unless the cops saw what happened. Once he took the kids from her. Her attorney tells her temporary insanity is her best defense, because there was no case law against domestic violence. During the trial, we learn of the humiliation, of cruelty to animals, of cruelty to Francine. That fateful night, he was drunk and asleep. She dressed and told the kids to prepare to leave. Recognizing all the hurt and destructive behaviors, she saw that their children's lives were equally horrible. She sprinkled the room with gasoline and lit the fire. The defense rested and the jury found her not guilty by reason of temporary insanity. Michelle in *Woman Thou Art Loosed* was not so fortunate.

In *Woman Thou Art Loose*⁶⁰, the scene opens at a mega church revival with a call to discipleship and healing. The protagonist, Michelle, walks forward, and at the altar, looks to her left, retrieves, and fires a gun. We see a little girl singing "Little Sally Walker" (children's game) with her friend, a little boy, Todd. Now in prison, Michelle is building a house and the pastor visits. They talk about the revival and his earlier assistance. The movie goes back and forth to unfold the complexities of familial relationships around domestic abuse. She recalls her childhood, where Reggie, her mother's boyfriend flirts with her. He talks to her about being developed. For Michelle, "home" is a place where a piece of her is buried. Todd, her childhood

⁶⁰ *Woman Thou Art Loosed*, Michael Schultz, Director. 2004, ASIN:

boyfriend drops her off to the halfway house, when she receives early parole. Michelle's aunt talks about Michelle getting a beauty makeover, and does not see the pain deep within. Back at the revival, there seems to be no room for her, and Cassey still says Reggie, her lover of twenty years, has done nothing wrong; Michelle has problems. When Michelle was a teenager, a drunk Reggie came into the house, slaps and rapes her: he took Michelle innocence and her hope. When Michelle tells her mother, Cassey blames Michelle. She confronts Reggie, pulls a knife, and when he swears he did nothing, she allows him to stay. For Cassey, when you have a child it is hard to get a man. When Cassey was raped, her mother said, not to hate her daddy, her rapist. No mentions the rape in the murder trial. Repentant, Reggie has a near death experience but still claims did he ever touch Michelle. Michelle's halfway house roommate gives Michelle a gun, in case they run into trouble or trouble runs into them. Back in prison, Michelle finishes building the popsicle church without a door, because she says no one lives there. In a flashback, her parole officer visits with the dress Michelle had buried under the house for 20 years, the day Reggie raped her. This night of the revival, during the deliverance prayer, Reggie stands up on the far side, finally ready to confess. Michelle comes down, sees Reggie, flips out, and fires the gun. At prison, Michelle cannot understand how God could forgive Reggie, how and why she should forgive him. She asks for forgiveness for killing Reggie. At the conclusion, the voice of the little girl sings "Little Sally Walker. The completed Popsicle stick house with an open door, sits on the stool of a now empty cell. Michelle dies in prison, Precious works to free herself from being in prison outside, jailed by abuse from home and society.

Set in Harlem, 1987, the movie *Precious*⁶¹ is a story of domestic violence, where an African American female sixteen year old experiences physical, psychological, and verbal abuse from her mother and rape at the hands of her mother's boyfriend, possibly her father, resulting in two pregnancies. During the rape, Precious disassociates and goes into fantasy world. Mary, her mother, blames Precious for the rape. Mary also says Precious is trash, dumb, and harangues her about getting on welfare. Her high school principal encourages her and helps her get into an alternative school. Precious cannot read and write. The overwhelming abuse at home and the taunting of kids on the stress makes Precious wish she were dead. Her imagination is her safety net, for when under assault, she sees herself in places that are more glamorous; performing. Echoes of Toni Morrison's *the Bluest Eye* emerge when sometimes Precious imagines herself disappearing and during one abusive episode, she looks in the mirror and sees the reflection of a white female. Precious' older child, cared for by her grandmother, has Downs's syndrome. The teacher believes in her, encourages her to write in her composition notebook, and wants her to give up both children for adoption; so she can learn and then get her GED and go to college. Mary never visits the hospital when Precious delivers the second child. Tired of the abuse, and angered when her mother throws the baby on the floor, Precious leaves the house, stands outside the church, and hears Christmas songs. Precious also got an award for literacy. Her teacher got her in a halfway house. When her mother finally visits, she tells Precious that her daddy dead, and that he had AIDS. Precious tells her mother to get to a doctor. Precious finds out that she too, is HIV positive. When recounting her life where people have beaten her, called her worthless, raped her, and called her an animal, her teacher responses saying that was not love, that her baby

⁶¹ Precious: Based on the Novel "Push" by Sapphire, Director Lee Daniels. **ASIN:** B002VECM4A. 2009.

loves her. Mary had sacrificed her daughter because her boyfriend wanted her daughter. During a session with the social worker, Precious tells the social worker that she can't handle her and tells the social worker and her mother, they would not see her again. Iphigenia is also not seen again, but for different reasons.

*Agamemnon*⁶², regarded as Aeschylus' masterpiece, comes to life in a vivid contemporary operatic tapestry, on a sparse stage with soloists, choruses, dancers, orchestra. Like most Greek tragedies, this one focuses on a dysfunctional family. Agamemnon, son of Atreus is the Greek commander in chief in the Trojan War. To appease the gods, he sacrifices his daughter Iphigenia to secure favorable winds for his army's departure and to defeat Troy. During his 10-year absence, his wife, Klytemnestra, takes a lover, Aegisthus, Agamemnon's cousin, and enemy in an ancestral blood feud; the only surviving son of Thyestes, Atreus' brother. When Agamemnon returns, bringing a Trojan princess, Cassandra, a gift from his army, as his slave. Cassandra, a prophet, foretells the death of Agamemnon and herself at the hands of Klytemnestra. She enters the palace even though she knows that she cannot avoid her gruesome fate Atreus conspired against his brother Thyestes and put him in exile. Atreus, a serial killer prepares a feast for Thyestes, a feast made from the dismembered bodies of Thyestes thirteen children. When he learns what happen, Thyestes curses Atreus' line. Aegisthus claims justice brought him home to plot the death of Agamemnon. Aegisthus admits that he "shames the general's bed; that is, he slept with Klytemnestra and planned Agamemnon's death: it was the wife's job to kill the commander in chief. The chorus wants to kill Aegisthus, but Klytemnestra says no more fighting; she and Aegisthus will rule and put things right. The ending includes a prediction of the return of Orestes, son of Agamemnon, who will surely avenge his father.

⁶² Aeschylus' Agamemnon, composer Andrew Earle Simpson and librettist Sarah Brown Ferrario

An Upside Down Tea Party: Deuteronomy, Film, and Opera on Domestic Violence

These texts from scripture, cinema, and opera reek of domestic violence. Some of these have approval based upon the canon. Some have approval because society chooses to continue to have a closed mind and deaf ear. With the Deuteronomic texts, erudite scholars have engaging conversations and can often justify the texts as back in the day. Or, that there is no evidence that such actions ever really took place. These justifications notwithstanding the texts of captive marriage, rebellious son, slandered bride, and unmarried daughter involve psychological, spiritual, and often physical domestic violence: domestic because it involves intimate partners and family members; violence because it causes irreparable harm. The cultural productions of film and opera help to highlight that what occurs when violence receives acceptance ranges from embarrassment, crass behavior to incest, rape, adultery, and infanticide. Revenge, greed, control are motives. The music of the films and opera, the characterizations reflect the fear and tension, the discord and foreboding. The ambiguity and fluidity of life amidst horror of the insensitivity and vulnerability of the victims are poignant, painful, and in too many instances too true.

Thus the compilation of these texts invites us to continue to engage tempered cynicism and question, question, question these texts with a variety of conversation partners. This is also an opportunity for us to ponder our traditions, our laws, and our personal proclivities. What do we have to hide? Are we victims or perpetrators, or something else? Creativity provides a an opportunity for more risky exploration of oral or canonical texts, challenging traditional interpretations. Courage provides the means for doing distinctive and wrestling with scripture in contexts of other texts that may at first feel foreign; to figure out how much we see domestic violence daily and how much we ignore it. Commitment to in-depth hearing and just, appropriate living of these texts invite us to reread Deuteronomy with victims and perpetrators of domestic

violence to note how they hear and what we can newly discover. Candor serves as catalyst to reveal the domestic violence in these texts, particularly as to how twenty-first century audiences will hear, and particularly how they may unconsciously internalize these texts. Curiosity presses one to keep searching the sacred to so that no person is ever so vulnerable that they are lost in our classrooms, in our faith communities, in our neighborhoods. They can get help and do not have to hide. The comedic reminds us not to take ourselves so seriously that either throw everything away, deny the reality of domestic violence in these texts, or think them irrelevant to where we live.